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September 30, 2009

Via ECF

Honorable Patty Shwartz, U.S.M.J.
United States District Court, District of New Jersey
U.S. Post Office & Courthouse Bldg.
Federal Square, Room 10
Newark, New Jersey 07101

Re: Beach Creek Marina, Inc. v. Royal Tax Lien, et al.
Civil Action No.: 09-2649 (KSH)

Dear Judge Shwartz:

As you may know, the undersigned represents Cole Layer Trumble Company and Tyler Technologies Inc. (collectively "Tyler") in the above-referenced matter. We are in receipt of plaintiff's sur-reply filed September 29, 2009. Please accept this as Tyler's request for this court to disregard plaintiff's sur-reply, which violates the court's civil motion practice rules. No sur-reply is provided for in the court rules. To Tyler's knowledge, plaintiff did not request leave to file this sur-reply and it does not appear that this court granted such leave. Further, the exhibits attached to this sur-reply were readily available to plaintiff when he filed his opposition. Similarly, the additional facts provided do not allow plaintiff to escape the fact that its sole remedy is through the New Jersey tax appeals process. For these reasons, Tyler respectfully requests this court disregard the sur-reply of plaintiff. Thank you for your consideration.

Respectfully submitted,

s/ Maeve E. Cannon
Maeve E. Cannon

cc: Ronald T. Nagle, Esq. (via ECF)
Robin London-Zeitz, Esq. (via ECF)

Application Granted.
R. S. Hayden 10/8/09